

Orseck Law Offices PLLC

Kirk O. Orseck

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Sidney Orseck
(1906-1996)

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Of Counsel

Gerald Orseck

Aliza A. Reed
Direct Line (845)524-4391

Charles R. Olsen, Jr.

Attorneys At Law
Est. 1928

All Replies to:

1924 State Route 52
P.O. Box 469
Liberty, New York 12754

Telephone
(845) 292-5800

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Fax
(845) 292-6749

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E-Mail
orsecklaw@yahoo.com

September 30, 2020

Hon. Cathy Seibel, USDJ
United States District Court
Southern District of New York
Federal /Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

**Re: Metropolitan Property and Casualty Insurance Company
v. Conesicecream Corp. v. Bass Underwriters
Civil Action #7:19-cv-06877-CS**

Application granted. Defendant Conesicecream Corp.'s answer, (Doc. 38), is stricken as withdrawn; its counterclaim against Plaintiff Metropolitan, (*id.*), is dismissed; and its third-party complaint against Third-Party Defendants Klient and Bass, (Doc. 40), is also dismissed. At the already scheduled 10/15/20 conference, we will discuss how Plaintiff shall proceed against Conesicecream and the other Defendants. The Clerk shall terminate Doc. 64.

Honorable Judge Seibel:

SO ORDERED.

Defendant Conesicecream Corp. hereby withdraws its answer and, by this letter, respectfully moves this Court for an order pursuant to for voluntary dismissal of its counterclaim against plaintiff Metropolitan third-party complaint against third party defendants Bass Underwrite Insurance Brokerage Inc.

Cathy Seibel
CATHY SEIBEL, U.S.D.J.

10/5/20

The reason for withdrawal of Cones' answer and for voluntary dismissal of its counterclaim against the plaintiff, and its third party complaint is that subsequent to commencement of the action, plaintiff Metropolitan produced a signed statement and other admissions by the defendant Conesicecream of which the undersigned had not been previously aware. These documents and proofs negate any defense to this action and further negate any viable counterclaim and any viable third party causes of action.

Respectfully submitted,

ORSECK LAW OFFICES PLLC

By: Kirk O. Orseck

KO/ds

cc: By ECF to All Counsel